

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Del Oro Water Co., Inc. (U-61-W)  
for a Determination by the Commission that  
Certain Main Extension Agreements Between  
Itself and Others are Neither Invalid Nor Fail to  
Comply With the Utility's Rule 15 and/or the  
Commission's Decisions, Rules and Regulations  
Pertaining to Water Main Extension Agreements.

Application 00-11-053  
(Filed November 20, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING AND DENYING PROTESTANT MOTIONS**

By motion dated December 19, 2001, Breuer, Inc., a protestant in this matter, seeks oral argument before the full Commission pursuant to Rule 76 of the Rules of Practice and Procedure. In a separate motion, Breuer moves for substitution of counsel.

Rule 76 provides that if the Commission or the presiding officer is of the opinion that the complexity or importance of the issues so warrant, the Commission or the presiding officer may direct or permit the presentation of oral argument.

The issues in this proceeding, as set forth in Commissioner Duque's Scoping Memo dated June 6, 2001, are (1) were certain main extension agreements issued in compliance with the utility's Tariff Rule 15, and (2) did the utility properly account for funds collected through the main extension agreements.

Breuer and other protestants have filed suit against the utility in Butte County Superior Court, alleging breach of contract, fraud and other wrongdoing in connection with the main extension agreements. Those issues were not before the Commission in this proceeding. Instead, the utility sought a ruling pursuant to Section A.8 of Tariff Rule 15 on the validity of the main extension agreements.

Breuer argues that the proposed decision of the administrative law judge fails to consider Breuer's legal arguments and misstates the facts presented at hearing. On the contrary, the proposed decision addresses Breuer's arguments at some length and explains why those arguments fail in the face of applicant's evidence and analyses by the Commission's Water Division. (*See* Proposed Decision, pp. 6-10.) As to the facts of the case, Breuer elected at hearing to present no fact witnesses and argued that the issues before the Commission were solely issues of law and tariff interpretation.

Breuer has had every opportunity to present its case at hearing, in oral argument at hearing, and in briefs, all of which are available to the Commission as part of the record. Breuer has not shown that further argument beyond that already available to the Commission is warranted. Other protestants have not joined in Breuer's request. Accordingly, the motion for oral argument is denied.

Breuer's motion for substitution of counsel is granted. While the substitution of counsel was granted on the record at hearing, that substitution was not reflected on the service list for this proceeding. Accordingly, the service list will be changed to delete the name of Stephen F. Riley, of the firm of Matthews, Fuqua, Riley & Davis, as representing Breuer. The service list will show that Breuer is represented in this proceeding by Morey Fuqua, of the same law firm, and Patrick J. Power.

**IT IS RULED** that:

1. The motion by Breuer, Inc., for oral argument pursuant to Rule 76 of the Rules of Practice and Procedure is denied.

2. The motion for substitution of counsel for Breuer, Inc., is granted.

Dated January 3, 2002, at San Francisco, California.

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/s/ Glen Walker  
Glen Walker  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting and Denying Protestant Motions on all parties of record in this proceeding or their attorneys of record.

Dated January 3, 2002, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.